

The 28th July, 1980

No. 11(112)-80-3Lab/9212.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of M/s Haryana Polymerce Corporation Plot No. 40, Sector 4, Ballabgarh :—

BEFORE SHRI I. P. CHAUDHRY, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 220 of 1980

between

SHRI RAM GOPAL, WORKMAN AND THE MANAGEMENT OF M/S HARYANA
POLYMERCE CORPORATION, PLOT No. 40, SECTOR 4, BALLABGARH.

Present.—

Workman with Shri Darshan Singh.

None for the respondent-management.

AWARD

This reference No. 220 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/34/17476, dated 16th April, 1980 under section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Ram Gopal, workman and the management of M/s Haryana Polymerce Corporation, Plot No. 40, Sector 4, Ballabgarh. The term of reference was :—

Whether the termination of services of Shri Ram Gopal, was justified and in order ?
If not, to what relief is he entitled ?

2. On receipt of the order of reference, notices were sent to both the parties for 18th June, 1980. On that date of hearing workman himself along with Shri Darshan Singh appeared, but none was present on behalf of the management. Service of notice had been effected on the management. The case was called at 8.00 A. M. then at 9.15 A. M. and then at 10.00 A. M. I proceeded *ex parte* against the management and the case was fixed *ex parte* evidence of the workman for 24th June, 1980.

On 24th June, 1980 evidence of the workman was recorded. The workman appeared as WW-1 who stated that he was working with the respondent management since 28th May, 1979 as a helper and was drawing Rs 165/- per mensum. The witness further stated that he raised a demand before the management to increase his wages as per the Minimum Wages Act of Haryana Government. For this little reason the management terminated his services on 21st February, 1980. The workman further prayed that he be reinstated with full back wages and continuity of service as he was un-employed since those days.

Keeping in view the circumstances of the case, I see no reason why the un-rebutted statement given on oath by the workman should not be relied upon especially when the management chose not to appear and defend this reference before this court. So I believe the un-rebutted statement of the workman and hold that the termination of the services of the workman Shri Ram Gopal was unjustified and not in order. He is entitled to be reinstated with full back wages and continuity of service, with cost viz. fixed at Rs 100/- of this reference.

This be read in answer to this reference.

Dated the 19th July, 1980.

I. P. CHAUDHRY,
Presiding Officer,
Labour Court,
Haryana, Faridabad.

End. No. 1196, dated 22nd July, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, with the request that receipt of the award may please be acknowledged within week's time.

I. P. CHAUDHRY,
Presiding Officer,
Labour Court,
Haryana, Faridabad.